



THE GAME INDUSTRY BOARD REGULATIONS 1983

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 19th day of December
1983

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953 and, in respect of the revocations effected under regulation 38 of these regulations, section 49 of the Meat Act 1981, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation

PART I

GAME INDUSTRY BOARD

3. Game Industry Board
4. Extraordinary vacancies
5. Deputies of members
6. Chairman and Deputy Chairman
7. Meetings of Board
8. Disclosure of interests
9. Secretary of Board
10. Advisers to Board
11. Committees and delegations
12. Functions and powers of Board
13. Acquisition of game

PART II

FINANCIAL PROVISIONS

14. Game Industry Board Account
15. Financial year

16. Unauthorised expenditure
17. Game industry levy
18. Payment of levy
19. Levy paid on behalf of other persons, and refunds
20. Records relating to levy to be kept
21. Levy to constitute debt due to Board
22. Crown may be reimbursed for collection of levy

PART III

LICENSING OF GAME EXPORTERS

23. Interpretation
24. Exporters to hold licence
25. Permits of exemption
26. Applications for licence
27. Board may require information from applicant
28. Grant of licence
29. Provisional licences
30. Renewals
31. Board may impose conditions

32. Board may require information from licensee 33. Board may revoke licences 34. Appeals 35. Appeals to High Court on question of law	PART IV MISCELLANEOUS PROVISIONS 36. Offences 37. Penalties 38. Revocations
---	---

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Game Industry Board Regulations 1983.

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

(3) Part III and regulation 38 of these regulations shall come into force on the day appointed for the coming into force of section 4 of the Meat Amendment Act 1983.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Act” means the Primary Products Marketing Act 1953:

“Board” means the Game Industry Board established by regulation 3 of these regulations:

“Deer farmer” means any person who keeps deer in captivity pursuant to a permit, licence, or other authority issued or given under the Wild Animal Control Act 1977; and “farmed deer” has a corresponding meaning:

“Director-General” means the Director-General of Agriculture and Fisheries:

“Exporter member” means the member of the Board appointed under regulation 3 (2) (c) of these regulations:

“Farmer member” means any member of the Board appointed under regulation 3 (2) (a) of these regulations:

“Game” means farmed deer and game deer:

“Game deer” means any deer other than a farmed deer:

“Game industry levy” or “levy” means the levy imposed under regulation 17 of these regulations on killed game, antlers in velvet, and farmed deer slaughtered in deer slaughtering premises:

“Industry member” means any member of the Board appointed under regulation 3 (2) (b) of these regulations:

“Killed game deer” means game deer hunted and killed in the wild.

(2) In these regulations, the terms “deer slaughtering premises” and “game packing house” have the same meanings as in section 2 (1) of the Meat Act 1981.

PART I

GAME INDUSTRY BOARD

3. Game Industry Board—(1) There is hereby established a marketing authority to be called the Game Industry Board.

(2) The board shall consist of 11 members, appointed by the Minister as follows:

- (a) Five members, appointed on the nomination of the New Zealand Deer Farmers' Association Incorporated to represent deer farmers:

- (b) Four members, appointed on the nomination of the New Zealand Game Industry Association Incorporated to represent game producers and processors:
- (c) One member, appointed on the nomination of the New Zealand Game Exporters Council to represent game exporters (other than game exporters who are also members of the New Zealand Game Industry Association Incorporated):
- (d) One member, appointed as a representative of the Government to represent the interests of consumers of products derived from game.

(3) The powers of the Board shall not be affected by any vacancy in its membership.

(4) Nominations under subclause (2) of this regulation shall be made pursuant to any rules made in that behalf by the respective nominators.

(5) No one person shall be appointed to represent both deer farmers and game producers and processors at the same time.

(6) Every member of the Board shall hold office for a term of 3 years, and may be renominated and reappointed.

(7) Unless a member sooner vacates his office under regulation 4 of these regulations, every member of the Board shall continue in office until a successor is appointed.

(8) Notwithstanding subclause (6) of this regulation, with respect to the first appointed members of the Board,—

- (a) Two farmer members and 1 industry member shall retire after 1 year:
- (b) Two farmer members and 1 industry member shall retire after 2 years:
- (c) One farmer member, 2 industry members, and the exporter member shall retire after 3 years—

the order of retirement to be decided by agreement among the members concerned or, failing agreement, by lot.

4. Extraordinary vacancies—(1) Any member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(2) Any member may at any time resign his office by notice in writing addressed to the Minister.

(3) If any member of the Board dies, resigns, or is removed from office, the office shall become vacant and the vacancy shall be an extraordinary vacancy.

(4) An extraordinary vacancy shall be filled by appointment by the Minister in the same manner as the vacating member was appointed.

(5) Any member appointed to fill an extraordinary vacancy shall hold office for the residue of the term for which the vacating member was appointed.

(6) Any person appointed pursuant to this section shall be deemed for all purposes to be a member of the Board.

5. Deputies of members—(1) The Minister may, either concurrently with the appointment of a member to the Board, or at any time thereafter, appoint a deputy for the member; and such deputy may act in place of the member to whom he is appointed deputy while that member is prevented by illness, absence, or other sufficient cause from performing the duties of his office.

(2) Every deputy appointed to act for members appointed under paragraph (a), paragraph (b), or paragraph (c) of regulation 3 (2) of these regulations shall be appointed by the Minister after consultation with the body who nominated those members.

(3) Any appointment as deputy may at any time be revoked by the Minister.

(4) Any deputy appointed under this regulation shall, while he acts as such, be deemed to be a member of the Board appointed under the same conditions as the member for whom he is deputising.

(5) No such appointment of a deputy and no acts done by him as such, and no acts done by the Board, while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

6. Chairman and Deputy Chairman—(1) At the first meeting of the Board the Board shall elect from its farmer members a Chairman, and from its industry members a Deputy Chairman, for the ensuing 12 months.

(2) In the second and subsequent years, the Board shall elect from its members a Chairman and a Deputy Chairman for the ensuing 12 months.

(3) Every person elected as Chairman or Deputy Chairman shall hold office until a successor comes into office, and shall be eligible for re-election.

(4) The Chairman shall preside at all meetings of the Board at which he is present.

(5) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside, and if both should be absent one of the members present shall be appointed by the members attending to preside at the meeting.

(6) At any meeting of the Board, the Chairman or any other person presiding shall have a deliberative vote, but shall not be entitled to a casting vote.

7. Meetings of Board—(1) The first meeting of the Board shall be held at a time and a place to be appointed by the Minister, and thereafter meetings shall be held at such times and places as the Board itself may determine.

(2) The Chairman of the Board, or any 5 members, may at any time, after having given at least 14 clear days' notice to the other members in writing, call a special meeting.

(3) At all meetings of the Board a quorum shall consist of not less than 3 farmer members and not less than 3 of the total number of industry and exporter members.

(4) All questions arising at any meeting of the Board, other than those relating to a recommendation to change the levy rates, shall be decided by a majority of the votes recorded thereon.

(5) All questions arising at any meeting of the Board which relate to a change in levy rates shall require the majority vote of at least 75 percent of the members of the Board to decide the question.

(6) A resolution in writing signed or assented to by letter, telegram, or telex by all members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

(7) Subject to these regulations and to the Act, the Board may regulate its own procedure.

8. Disclosure of interests—(1) Any member of the Board who, otherwise than as a member, is directly or indirectly interested in any arrangement or agreement made or entered into, or proposed to be made or entered into, by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under this section shall be recorded in the minutes of the Board and, except as otherwise provided by the resolution of the Board, the member shall not take part after the disclosure in any deliberation or decision relating to the arrangement or agreement and shall withdraw from the meeting during any such deliberation or decision.

9. Secretary of Board—(1) Without limiting the generality of section 7 of the Act, the Board may appoint a Secretary, and shall prescribe the duties of that office and set the remuneration payable.

(2) The Secretary shall not be a member of the Board, and shall have no vote on its deliberations.

10. Advisers to Board—(1) The Board may invite any person or persons to attend any of its meetings as an adviser to the Board; and such person or persons shall be entitled to speak (but not vote) on any question before the meeting.

(2) Any such adviser may be paid remuneration and expenses at such rate or rates as the Board may determine.

11. Committees and delegations—(1) The Board may from time to time appoint advisory or technical committees of one or more persons as it thinks fit to advise the Board on such matters relating to its functions and powers as are referred to them by the Board, and may, with the consent of the Minister, delegate to any such committee any of its functions and powers except those relating to the fixing of levies, and the power to delegate under this regulation.

(2) Each advisory or technical committee may, in addition, furnish to the Board reports on any matter concerning the game industry in respect of which the committee, or any member or members of it, may have special knowledge or experience.

(3) A person may be appointed to be a member of any committee appointed under this regulation whether or not he is a member of the Board, but if he is not a member and is appointed chairman of the committee, the Board shall either confirm or reject that appointment.

12. Functions and powers of Board—(1) The principal functions of the Board shall be—

- (a) To promote and assist with the orderly development of the game industry in New Zealand;
- (b) To assist in the organisation and development of the orderly marketing of game and the products derived from game;
- (c) To assist in the development of existing and new markets for game and products derived from game outside New Zealand;
- (d) To maintain statistics and disseminate relevant information to members of the game industry;
- (e) To undertake and cause to be undertaken, research into deer, and into processing methods for killed game deer and slaughtered farmed deer;

- (f) To monitor, and from time to time report, on the economics and efficiency of all components of the game industry:
- (g) To act in combination or association with any person or body of persons whether in New Zealand or elsewhere (whether by acquiring shares or other interests in a company or otherwise) engaged, concerned, or interested in the processing, marketing, or distribution of game or products derived from game:

Provided that no such action shall be taken with any person or body of persons outside New Zealand without the prior approval of the Minister of Finance.

(2) In the determination of its policies and the exercise of its functions and powers, the Board shall, as far as it is practicable, permit the farmed deer and game deer sections of the game industry to have control over their own activities and products through their respective representatives on the Board.

(3) The Board shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions.

(4) The Board shall also have such other functions as may be conferred on it by or under these regulations or any other enactment.

13. Acquisition of game—The Board shall not acquire any game or products derived from game except for promotional, experimental, or developmental purposes.

PART II

Financial Provisions

14. Game Industry Board Account—(1) For the purpose of these regulations, the Board shall establish with any trading bank in New Zealand, an account to be known as the Game Industry Board Account.

(2) There shall be paid into that account—

(a) Any money derived from the operations of the Board:

(b) Any levies payable to the Board:

(c) Any other money that may otherwise be lawfully paid to the Board.

(3) There shall be paid out of the Game Industry Board Account all costs, charges, and expenditure incurred by or on behalf of the Board in the performance of its duties and the exercise of its powers and functions under these regulations and in their administration.

(4) The Board may from time to time open with the trading bank at which the Game Industry Board Account is held or with any branch or agency of that Bank, such imprest or subsidiary accounts as the Board thinks necessary for the exercise of its functions and powers.

(5) Every account under this section shall be operated upon only by cheque or other instrument (not being a promissory note or bill) signed by such person or persons as may from time to time be authorised by the Board for that purpose.

15. Financial year—For the purposes of section 11 (2) of the Act, the financial year of the Board shall end with the 30th day of September in each year.

16. Unauthorised expenditure—The Board may, in any financial year, expend out of the funds of the Board for purposes not authorised by these regulations, any sum or sums not amounting in aggregate to more than \$2,000.

17. Game industry levy—(1) There is hereby imposed a levy—

- (a) On each deer slaughtered in deer slaughtering premises;
- (b) On each killed game deer carcass brought in to a game packing house;
- (c) On each piece of antler in velvet received at a game packing house for processing or packing—

but no levy shall be payable in respect of any one farmed deer carcass or killed game deer carcass or piece of antler in velvet more than once.

(2) The levy shall form part of the funds of the Board in accordance with these regulations.

(3) Before the 1st day of October in any year the Board may fix, by notice in the *Gazette*, the methods of calculating and rates of levy which are to be paid in the next succeeding financial year.

(4) If in any year the methods of calculating and rates of levy are not fixed pursuant to subclause (3) of this regulation by the 1st day of October, the methods and rates for the next succeeding year shall be the same as those last fixed under this regulation.

(5) Except where the Minister of Agriculture has given his express consent in writing, the Board shall not fix any particular rate of levy which exceeds by more than 20 percent the rate last fixed for that levy.

(6) In respect of the period from the 1st day of the month immediately following the first meeting of the Board until the 30th day of September next following, the methods of calculating, the rates, and other provisions relating to the levy shall be as fixed by the Minister by notice in the *Gazette* after receiving the recommendations of the Board.

18. Payment of levy—(1) The person primarily liable for the payment of the levy shall be the person who is the owner of the deer or the killed game deer carcass or the piece of antler in velvet, the subject of the levy, at the time of the slaughter of the deer or the receipt into the game packing house of the killed game deer carcass or piece of antler in velvet, as the case may be, but payment of the levy in the first instance shall be made pursuant to this regulation.

(2) The proprietor of any deer slaughtering premises or game packing house shall, on a form provided for the purpose by the Director-General, make a return of farmed deer carcasses, killed game deer carcasses, or antler in velvet, the subject of the levy, in such manner and for such period as the Director-General, after obtaining the agreement of the Board, may direct.

(3) The Director-General shall give written notice of any levy payable to every person who has made a return under subclause (2) of this regulation, and that person shall, within 15 days after the receipt of the notice or within such extended period as the Board may allow, pay the amount of the levy or cause that amount to be paid to any bank account of the Ministry of Agriculture and Fisheries for the benefit of the Director-General or, upon application by that person in the particular circumstances of the case, to such office of the Ministry as the Director-General may approve.

(4) All money received by the Director-General pursuant to this regulation shall, subject to regulation 22 of these regulations, be accounted for in full to the Board.

19. Levy paid on behalf of other persons, and refunds—(1) Where, for the purposes of these regulations, any person pays any levy for or on behalf of any other person, he shall be entitled to recover the amount so paid from that other person as a debt or to deduct that amount from any money in his hands belonging or payable to that other person.

(2) Where the Board finds in any case that the levy has been wrongfully paid, or that the levy has been overpaid, the Board shall refund, from its funds, the amount so paid or overpaid.

(3) No amount shall be refunded under this regulation unless the Board is satisfied that the person claiming the refund has not recouped himself for the amount paid, or, if he has so recouped himself, that he has since repaid the amount to the person from whom he has recouped himself.

(4) A refund under this regulation shall not be made to any person unless he furnishes to the Board such return or other information, verified in such manner as the Board may require, as will enable the Board to determine the amount to be refunded.

20. Records relating to levy to be kept—(1) Every person who makes a return and pays a levy under these regulations shall keep accurate records of the payment and full particulars of the transaction to which the payment related.

(2) All such records shall be preserved for a period of not less than 2 years from the date they are made.

(3) Any member, officer, employee, or agent of the Board or Audit Office who is duly authorised in that behalf by the Board or Audit Office shall, at all reasonable times during business hours upon production to the person in charge of the premises of identification (including evidence that he is so duly authorised) and upon giving at least 24 hours notice, have full and free access to all premises where records required under this section are kept for the purpose of inspecting the records or any other books, accounts, documents, or other papers relating to levies paid pursuant to these regulations, and may take copies of, or extracts from, any such records, books, accounts, documents, or other papers.

21. Levy to constitute debt due to Board—(1) Every levy shall constitute a debt due to the Board when it becomes payable, and shall be recoverable accordingly by the Board in any Court of competent jurisdiction.

(2) The provision of any information or the making of any return under these regulations shall not constitute a condition precedent to the right of the Board to assess, sue for, and recover any levy payable.

22. Crown may be reimbursed for collection of levy—For the purpose of reimbursing the Crown for any expenses incurred by the Director-General in collecting any levy, the Director-General may retain such amount of the levy collected by him as may be determined by the Minister after consultation with the Board.

PART III

LICENSING OF GAME EXPORTERS

23. Interpretation—In this Part of these regulations, the term “game” means killed game deer and slaughtered farmed deer; and includes all products derived from game.

24. Exporters to hold licence—(1) Subject to regulation 25 of these regulations, no person shall, after the commencement of this Part of these regulations, export game unless he is the holder of a current exporter’s licence issued under these regulations.

(2) Every exporter's licence may have specified on it by the Board the type of game that may be exported, the form and quantities it may be exported in, and the country or place to which it is to be exported.

(3) The holder of a current exporter's licence shall export only the game specified in his licence, in accordance with the conditions so specified.

(4) No person who is a farmer member on the Board shall hold a licence to export game.

25. Permits of exemption—Any person (not being an exporter) who wishes to export one particular consignment of game, or export one particular series of consignments, or to make a trial shipment, or in any other special case relating to the export of game, may apply to the Board for a permit of exemption from licensing; and the Board may grant such a permit subject to such terms and conditions as it thinks fit.

26. Applications for licence—(1) Every application for an exporter's licence shall—

- (a) Be made in writing addressed to the Secretary of the Board on a form to be provided for that purpose by the Board, and signed by or on behalf of the applicant;
- (b) Be accompanied by such fee as is for the time being specified by the Board by notice in the *Gazette*, after receiving the approval of the Minister.

(2) Notwithstanding regulation 11 (1) of these regulations, the Board shall not delegate any of its functions relating to licensing.

(3) Every person who, as at the commencement of these regulations, was the holder of a game exporter's licence under the Game Regulations 1975 shall, notwithstanding the revocation of the relevant provisions of those regulations by regulation 38 of these regulations, be entitled to export under that licence until the 30th day of June 1984 or the expiry of the period of 3 months after this Part of these regulations has come into force, whichever is the later date; and that person shall cease to export game on that date unless—

- (a) That person holds an exporter's licence under these regulations; or
- (b) That person has made an application to the Board before that date for an exporter's licence and the Board has not yet decided the matter; or
- (c) That person, with the express written consent of the Board in the special circumstances of the case, makes an application to the Board for an exporter's licence after that date but within a period of 30 days from such date.

27. Board may require information from applicant—(1) The Board may require an applicant for a licence to produce evidence of his business experience and financial standing, and any other information the Board considers relevant for the purposes of regulation 28 of these regulations.

(2) The Board shall, as soon as is practicable after the commencement of this Part of these regulations and then from time to time, publish a notice in the *Gazette* specifying the kinds of information it requires under subclause (1) of this regulation.

28. Grant of licence—(1) On receiving an application for a licence the Board shall issue a licence to the applicant if, and only if, the Board, in relation to the orderly marketing and control of export game, is satisfied of the need to issue a licence and that the applicant—

- (a) Subject to subclause (2) of this regulation, has produced the information required pursuant to regulation 27 of these regulations:
- (b) Is likely to be able to maintain an effective export marketing or distributing service in the interests of the game industry:
- (c) Is able to provide or has access to suitable facilities for handling game for export:
- (d) Has adequate experience and competence in international marketing and in handling export produce:
- (e) Is of sound financial standing and of sound business repute:
- (f) Complies with the general policy of the Board as determined from time to time by resolution in relation to the marketing and promotion of export game:
- (g) Or any person in the opinion of the Board likely to be involved in the exporting operations of the applicant, has not been convicted of an offence under any enactment relating to game or to exporting and has not had a licence revoked nor been involved in the exporting operations of any person whose licence has been revoked:
- (h) Or any person in the opinion of the Board likely to be involved in the exporting operations of the applicant, although convicted of an offence under any enactment relating to game or to exporting and having had a licence revoked or having been involved in the exporting operations of any person whose licence has been revoked, is still likely to carry out his exporting operations properly.

(2) Where an applicant objects to supplying information to the Board on the grounds that it relates to confidential commercial matters the unauthorised disclosure of which may prejudice the applicant's business, it shall be sufficient compliance with subclause (1) (a) of this regulation if—

- (a) The information is supplied in a form approved by the Board in that particular case, notwithstanding that that form is not that specified pursuant to regulation 27 of these regulations; or
- (b) An authorised member of the Board (not being an exporter member or an industry member), who may be accompanied by an officer of the Board, inspects the books and accounts of the applicant in detail, and reports back to the Board in general on the results of the inspection.

(3) Subject to subclause (4) of this regulation, every licence, unless it is sooner revoked, shall continue in force until the day specified in the licence whereupon it may be renewed or further renewed; and unless so renewed shall then expire:

Provided that every licence or renewal shall be granted for a term of years not exceeding 5.

(4) Where, before the expiration under subclause (3) of this regulation of any licence, the licensee applies for its renewal that licence shall not so expire until the day specified in the licence or until the Board informs the licensee that it does not intend to renew the licence, whichever is the later.

29. Provisional licences—(1) Where, but for regulation 28 (1) (d) of these regulations, an applicant would otherwise be entitled to be granted a licence, the Board may grant to the applicant a provisional licence, subject to such terms and conditions as the Board thinks fit.

(2) A provisional licence granted under this regulation shall be the equivalent of and have the same effect as a licence granted under regulation 28 of these regulations, but only to the extent of the terms and conditions endorsed on it.

(3) The same fees shall be payable in relation to a provisional licence as are payable in relation to a licence granted under the said regulation 28.

30. Renewals—(1) Every application for the renewal of a licence shall—

(a) Be made to the Board on a form provided by it for the purpose; and
(b) Be accompanied by such fee as is for the time being specified by the Board by notice in the *Gazette*, after receiving the approval of the Minister.

(2) Subject to subclause (3) of this regulation, the Board shall renew a licence if, and only if,—

(a) The licence has not already expired under these regulations; and
(b) The Board is satisfied of the matters specified in paragraphs (a) to (c) and paragraph (e) of regulation 28 (1) of these regulations in relation to the licensee.

(3) The Board may refuse to renew any licence if the licensee has not at any time within the previous 2 years exported any game from New Zealand.

(4) When it renews a licence, the Board shall issue a certificate of renewal to the licensee which certificate shall, subject to the proviso to regulation 28 (3) of these regulations, state the date upon which the renewed licence shall expire.

31. Board may impose conditions—(1) Subject to subclause (2) of this regulation, on its grant or renewal, or at any other time, the Board may, by written notice to the licensee, attach to a licence such conditions relating to the orderly export of game (including conditions specifying particular markets or segments of markets to which game may be exported, and the form in which and the quantities of game that may be exported) as the Board thinks fit; and the Board may, after giving 2 months' notice, in the same manner vary or revoke any condition so attached.

(2) The Board shall not attach any condition to any licence unless—

(a) A similar condition is already attached to some other licence applying in similar circumstances to the licence being considered; or
(b) The Board intends to attach similar conditions to all licences in similar circumstances to the licence being considered.

32. Board may require information from licensee—(1) The Board may at any time require a licensee to produce to the Board any information relating to the licensee's game exporting operations, and may require the licensee to verify by statutory declaration any information produced.

(2) All such information shall be kept confidential to the Board, but the provisions of regulation 28 (2) of these regulations shall apply to any requirement of the Board under this regulation as if that requirement were a requirement specified pursuant to regulation 27 of these regulations.

33. Board may revoke licences—(1) The Board may at any time from a specified date revoke a licence if it is satisfied that—

(a) The licensee has failed to comply with any condition attached to the licence; or

- (b) Since the issue of the licence, any person involved or likely to be involved in the exporting operations of the licensee has been convicted of an offence under these regulations or any other enactment relating to game or to exporting; or
- (c) Since the issue of the licence, there has become involved in the exporting operations of the licensee any person who—
- (i) Has had a licence revoked, or been involved in the exporting operations of any person whose licence has been revoked; and
 - (ii) In the opinion of the Board, is likely to have an adverse effect on the exporting operations of the licensee; or
- (d) The licensee has demonstrated that he—
- (i) Is no longer able to maintain an effective export marketing or distributing service in the interests of the game industry;
 - (ii) Is no longer able to provide, or have access to, suitable facilities for handling game for export;
 - (iii) Is no longer of sound financial standing or business repute.
- (2) All questions arising at any meeting of the Board which relate to the revocation of a game exporter's licence or to the attachment of substantially more onerous conditions to a licence shall, notwithstanding regulation 7 (4) of these regulations, require the majority vote of at least 75 percent of the members of the Board to decide the question.

34. Appeals—(1) If the Board fails to grant, revokes, or fails to grant the renewal of any licence, or amends, revokes, or adds to the terms, conditions, or restrictions of any licence, the licensee may, within 28 days after receiving notice of the decision of the Board in that respect, give written notice of appeal to the Board setting out the grounds for appeal.

(2) On receipt of any notice of appeal the Board shall refer its decision together with that notice to the arbitrator appointed pursuant to subclause (3) of this regulation.

(3) For the purposes of hearing any appeal against any decision of the Board mentioned in subclause (1) of this regulation, there shall be appointed an independent arbitrator who shall be such barrister or solicitor of the High Court of at least 7 years' standing as shall be nominated by the President of the New Zealand Law Society.

(4) The arbitrator shall appoint a time and place for hearing the appeal and shall give reasonable notice of the appointed time and place to the appellant and to the Board.

(5) The arbitrator shall hear the appeal, and may affirm, reverse, or vary the decision made by the Board or may refer the decision back to the Board for further consideration.

(6) The decision of the arbitrator shall be notified in writing to the appellant and to the Board and, subject to regulation 35 of these regulations, shall be final and binding upon both the appellant and the Board.

(7) The arbitrator—

(a) May require evidence to be given on oath, and may administer any such oath;

(b) Shall, if requested, allow the appellant or Board to be represented by his or its counsel, solicitor, or agent,—
and shall otherwise regulate his own procedure.

(8) Except where the Board fails to grant a licence, the operation of any decision of the Board appealed against shall be suspended until the final determination of the appeal.

35. Appeals to High Court on question of law—(1) Where any party to any proceedings before the arbitrator is dissatisfied with any decision of the arbitrator as being erroneous in point of law, that party may appeal to the High Court on that question of law.

(2) Every such appeal shall be heard and determined by the Administrative Division of the High Court (in this regulation referred to as the Court) the decision of which shall be final.

(3) Subject to this regulation, the procedure in respect of any such appeal shall be in accordance with the rules of the Court.

(4) Every such appeal shall be instituted by the appellant lodging a notice of appeal within one month after the date of the decision with—

- (a) The Registrar of the Court in Wellington; and
- (b) The arbitrator.

(5) Either before or immediately after the lodging of the notice of appeal, the appellant shall serve a copy of the notice of appeal, either personally or by post, on every other party to the proceedings before the arbitrator.

(6) Every notice of appeal shall specify—

- (a) The decision or the part of the decision appealed from; and
- (b) The error of law alleged by the appellant; and
- (c) The question of law to be resolved; and
- (d) The grounds of the appeal, which grounds shall be specified with such reasonable particularity as to give full advice to both the Court and the other parties of the issues involved.

(7) The arbitrator shall, as soon as is practicable after receiving a copy of the notice of appeal, send a copy of the whole of the decision appealed from to the Registrar of the Court in Wellington.

(8) Any party to the proceedings before the arbitrator who wishes to appear and be heard on the hearing of the appeal shall, within 10 days after the date of the service on him of a copy of the notice of appeal pursuant to subclause (5) of this regulation, give notice to the Registrar of the Court in Wellington of that party's intention to appear and be heard.

(9) Any party who gives a notice of intention to appear and be heard and the appellant shall be parties to the appeal and shall be entitled—

- (a) To be served with every document which is thereafter filed or lodged with the Registrar of the Court in Wellington and which relates to the appeal; and
- (b) To receive a notice of the date set down for the hearing of the appeal.

(10) Subject to subclauses (11) and (12) of this regulation, the Court may, of its own motion or on the application of any party to the appeal, make all or any of the following orders:

- (a) An order directing the arbitrator to lodge with the Registrar of the Court in Wellington any document or other written material or any exhibit in his possession or custody;
- (b) An order directing the arbitrator to lodge with the Registrar a report recording, in respect of any matter or issue which the Court may specify, any findings of fact which are not set out or fully set out in his determination;
- (c) An order directing the arbitrator to lodge with the Registrar a report setting out, in respect of any matter or issue which the Court may specify, any reasons or considerations of the arbitrator to which he had regard but which are not set out in his determination.

(11) An application under subclause (10) of this regulation shall be made—
 (a) In the case of the appellant, within one month of the date of the lodging of the notice of appeal; or

(b) In the case of any other party to the appeal, within one month after the date of the service on him of a copy of the notice of appeal.

(12) The Court may make an order under subclause (10) of this regulation only if it is satisfied that a proper determination of the point of law in issue so requires; and the order may be made subject to such conditions as the Court thinks fit.

(13) The Court may dismiss any appeal under this regulation—

(a) If the appellant does not appear at the time appointed for the hearing of the appeal; or

(b) If the appellant does not prosecute his appeal with all due diligence and any party applies to the Court for the dismissal of the appeal.

(14) The Court or a Judge thereof may, in its or his discretion, on the application of the appellant, or intending appellant, or any other party, extend any time prescribed or allowed under any of the provisions of this regulation for the lodging of any notice, application, or other document.

(15) When any party to the appeal notifies the Registrar of the Court in Wellington—

(a) That the notice of appeal has been served on all parties to the proceedings; and

(b) That any application lodged under subclause (10) of this regulation has been heard and that any order under that subclause has been complied with,—

the appeal shall be, in all respects, ready for hearing and the Registrar shall arrange a date and place for the hearing as soon as is practicable.

PART IV

MISCELLANEOUS PROVISIONS

36. Offences—Every person commits an offence against these regulations who,—

(a) With intent to deceive, makes any false or misleading statement or any material omission in any declaration, return, or other communication made to the Board or to any other person for the purposes of these regulations; or

(b) Without lawful excuse, knowingly fails to comply with any request, requirement, obligation, or provision imposed or required to be observed by these regulations.

37. Penalties—Every person who commits an offence against these regulations shall be liable on summary conviction,—

(a) In the case of an individual, to a fine not exceeding \$400;

(b) In the case of a body corporate, to a fine not exceeding \$2,000.

38. Revocations—The Game Regulations 1975 are hereby amended—

(a) By omitting from the definition of the term “licence” in regulation 2

(1) the words “,or a game exporter’s licence”;

(b) By revoking Part II.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations establish a marketing authority, called the Game Industry Board, under the Primary Products Marketing Act 1953. A principal function of the Board is to promote and assist in the orderly development of the game industry and in the orderly marketing of game and the products derived from game. In this sense, "game" is restricted to deer. The Board is also given power to raise levies.

Provision is also made for the Board to become a licensing authority for the control of the exporting of game products. At present, this function is carried out for all game (not just deer) by the Ministry of Agriculture and Fisheries under the Meat Act 1981.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1983

These regulations are administered in the Ministry of Agriculture and Fisheries.